

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>January 15, 2020</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2019-204-E</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	_____

SUBJECT:

DOCKET NO. 2019-204-E – *CONFIDENTIAL* Meserve, Complainant/Petitioner v. Duke Energy Carolinas, LLC, Defendant/Respondent (Entire Complaint Available for Viewing upon Written Request) - Staff Presents for Commission Consideration Duke Energy Carolinas, LLC's Motion for Dismissal of the Complaint with Prejudice.

COMMISSION ACTION:

Ms. Meserve commenced this docket on or about June 3, 2019. She claimed that, due to what she describes as electromagnetic sensitivity, she alleges the smart meters that had been installed at her home were causing her numerous health problems. Thereafter, Ms. Meserve opted out of having smart meters by invoking Rider MRM, and she was granted a waiver of the opt-out fee after producing letters from licensed physicians attesting to her stated medical need to avoid electromagnetic frequencies. The Company then removed the smart meters and installed non-communicating digital meters on the property. However, Ms. Meserve still claims to be experiencing symptoms, and she seeks an order from the Commission requiring the Company to replace the non-communicating digital meter with an analog meter. She asserts that the Company's refusal to install analog meters on her home constitutes a violation of the Americans with Disabilities Act.

Ms. Meserve has not alleged that the Company has violated any law or regulation which the Commission is empowered to enforce. The South Carolina Public Service Commission is not authorized to enforce the Americans with Disabilities Act and cannot offer any opinion as to whether Ms. Meserve's claim invoking the ADA has merit. Because Ms. Meserve has not alleged any violation of law or regulation over which the Commission has jurisdiction, I move that we dismiss her complaint.

PRESIDING: RandallSESSION: RegularTIME: 2:00 p.m.

	MOTION	YES	NO	OTHER	
BELSER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
ERVIN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
HOWARD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>	Annual Leave
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
WILLIAMS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>	Military Leave

RECORDED BY: J. Schmieding

(SEAL)

